REMARKS

Claims 1-20 are currently pending. Claims 1-20 are rejected. Claims 1, 7, 9, 13-15, and 19 are objected to. Claims 5-17, 19-20, 34-45, and 47-48 are objected to. Claims 1, 7, 9, 13-15, and 19 have been amended.

Claim Objections

Claims 1, 7, 9, 13-15, and 19 are objected to because of informalities. Applicant would like to thank the Examiner for pointing out the informalities in the claims. Applicant has amended claims 1, 7, 9, 13-15, and 19 to fix the informalities indicated by the examiner. No new matter has been added.

Specification

The second paragraph in the Summary of the Invention section of the specification has been amended to track the language of the amended claims. No new matter has been added.

Claim Rejections under 35 USC § 103

Claims 1-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rukavina et al., U.S. Patent Application Publication Number US. 2002/0188583 (Hereinafter "Rukavina"), in view of Carroll, U.S. Patent No. 6,762,777 (Hereinafter "Carroll"). Applicant respectfully traverses this rejection on the basis of the following remarks.

Summary of Rukavina (U.S. Patent Application Publication Number US. 2002/0188583)

The Rukavina reference is directed to an e-learning tool that uses an object-oriented approach to permit easily-developed course content to be quickly produced in customized form for a plurality of users. An authoring tool uses a template-based system to create courses in the form of individualized learning objects, each learning object containing a learning objective, content, and an assessment item. Various graphics, audio and text are also embodied in object form, associated with the proper learning object(s), and stored within a database. A dynamic delivery tool accesses the objects for a particular course upon request by a student, and virtually instantaneously creates a course customized for that student based upon a profile of the student stored within a learning management system. In this way, course administrators and developers can update or otherwise manipulate the course simply by modifying the individual objects, and

the student views only those objects that he or she desires or is capable of viewing. Thus, courses can be easily created to allow students to learn course content as quickly and conveniently as possible.

Summary of Carroll (U.S. Patent No. 6,762,777)

The Carroll reference is directed to a system and method processes designating regions in an electronic text to associate with those selected regions freely editable popup windows. In a preferred embodiment, embedded tag delimiters are used to mark out the boundaries of the selected region and the content of the popup window. In an alternative embodiment, keystroke combinations are utilized to associate a selected region in an electronic document with a popup window, and the popup window is then freely editable.

Claims 1, 9, and 13

To establish a *prima facia* case of obviousness, three basic criteria must be met. (1) some suggestion or motivation to modify or combine the reference teachings, (2) a reasonable expectation of success, and (3) the references must teach or suggest all the claim limitations.

The combination Rukavina and Carroll fail to teach or suggest each and every element of claims 1, 9, and 13. Specifically, neither reference, alone or in combination, teach or suggest "providing a web page with an embedded software facility as part of an online educational course, wherein said software facility enables a user to create a popup message associated with text that is to be displayed to the user." The examiner has admitted that Rukavina does not suggest a software facility that enables a user to create a pop-up message associated with the text that is displayed to the user. The addition of Carroll does not cure this deficiency.

Applicant respectfully disagrees with the Examiner's suggestion that such a software facility is taught in Carroll. Carroll does not make any mention of an embedded software facility. Carroll discloses inserted tags into a document to link to pop-up windows there is no mention of facility embedded in the document that performs this association. As such

Combining Carroll with Rukavina fails to teach or suggest each and every element of claims 1, 9, and 13.

Furthermore, there is no suggestion or motivation to modify or combine Rukavina and Carroll. Rukavina discloses an e-learning tool that provides dynamically created lessons to a user over a network. Carroll discloses associating a portion of an electronic text document with pop-up window. Carroll deals with a document on a local system while Rukavina deals with data over a network. Carroll teaches inserting tags into the actual document to link to pop-up windows. The system of Rukavina has information dynamically assembled upon request. There is no mention of the end user who receives the dynamically assembled data being able to modify the actual document by inserting tags. In fact because of the configuration of the system in Rukavina it appears that only the creator of the data content (using the authoring tool) is allowed to modify content. That is, in Rukavina, the end user is only able to receive the content provided by dynamic delivery tool. This makes sense in this system because the content will be used for a number of end users so it would be undermine the functionality of the system is any end user could modify the content. This is exactly what is being taught with Carroll. In Carroll the end user is able to insert tags into the document to link to pop-up windows. Thus combining Carroll with Rukavina would undermine the functionality of Rukavina. Therefore, there also doesn't appear to be a reasonable expectation of success in combining Rukavina and Carroll.

In contrast, the present invention allows a user to associate pop-up messages to text that is being displayed to the user via a webpage. The software facility runs on the local client (i.e. the users system) The actual text content that is downloaded is not being edited. This maintains the functionality of using a distributed system but without the drawback one would receive by trying to combine Rukavina and Carroll.

Therefore, in view of the above arguments, Applicants respectfully requests the reconsideration and withdrawal of the rejection to claim 1, 9, and 13 under 35 USC § 103.

Claims 2-8, 10-12, and 14-20

Claims 2-8, 10-12, and 14-20 depend either directly or indirectly from independent claims 1, 9, and 13 respectively. As such, they incorporate each and every element of claims 1, 9, and 13 respectively. As discussed above, the combination of Rukavina with Carroll fail to

teach or suggest all the claim limitations of claims 1, 9 and 13. Thus the combination of Rukavina and Carroll fail to teach or suggest every element of claims 2-8, 10-12, and 14-20. Also, there is no suggestion or motivation to modify or combine Carroll with Rukavina or even a reasonable expectation of success.

Therefore, in view of the above arguments, Applicants respectfully requests the reconsideration and withdrawal of the rejection to claims 2-8, 10-12, and 14-20 under 35 USC § 103.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-62US from which the undersigned is authorized to draw.

Dated: **January 27, 2005**

Respectfully submitted,

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